

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE BROWN,	:	
Petitioner,	:	
v.	:	Civil Action No. 05-376J
EDWARD KLEM, SUPERINTENDENT,	:	
S.C.I. MAHANOY,	:	
Respondent	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 14, 2006, docket no. 4, recommending that the petitioner's petition for a writ of habeas corpus be summarily denied for failure to prosecute and as barred under 28 U.S.C. § 2244(b)(1), and that a certificate of appealability be denied.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. The petitioner sent timely objections, docket no. 5, which are meritless, but has still not paid the filing fee or submitted a motion for leave to proceed in forma pauperis.

After de novo review of the record of this matter together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 28th day of April 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is dismissed for failure to prosecute and as barred by 28 U.S.C. § 2244(b)(1). A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

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Cambria County Courthouse
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